



June 28, 2016

Ms. Kelley Metcalf
Kiewit Infrastructure West Co.
2200 Columbia House Blvd.
Vancouver, WA 98661

Dear Ms. Metcalf:

This is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request GSA-2016-000829, submitted on June 1, 2016, in which you requested the following:

“... with regard to the Expansion and Reconfiguration of the San Ysidro Land Port of Entry in San Diego, CA, Solicitation GS-09-P-16-KT-C-7000: 1) All submitted proposals, 2) All GSA evaluation notes and scores for each of the submitted Proposals.”

In processing your request we withheld the following:

- 1) All submitted proposals. In accordance with FOIA exemption (b)(3), information that is prohibited from disclosure by another Federal law is not releasable. Pursuant to Federal law 41 U.S.C. 253b(m), proposals in the possession or control of an executive agency may not be made available to any person under FOIA, except to the extent a proposal is incorporated into the contract. Here, the awardee's proposal was not incorporated into the contract.
- 2) All GSA evaluation notes and scores for each of the submitted Proposals. In accordance with FOIA exemption (b)(5), inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency is not releasable. Here, the requested documents are evidence of GSA's deliberative process, which is specifically exempted by FOIA under (b)(5).

You have the right to appeal the full denial of the information withheld. To do so, you must write, within 120 days of your receipt of this letter, to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H1F)
1800 F St. NW, Room 7308
Washington, DC 20405

U.S. General Services Administration
1800 F Street, NW, Room 7300
Washington, DC 20405-0001
Telephone: (855) 675-3642
Fax: (202) 501-2727

Your appeal must be in writing and should contain a brief statement of the reasons why you believe GSA should have the requested information. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions concerning this matter, please contact Mr. Christopher Lee at (415) 522-2877 or e-mail to christopher.lee@gsa.gov.

Sincerely,

Travis Lewis

Travis Lewis
FOIA Program Manager